

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division.

2014 AUG 29 P 2:22
CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Gong Zheng Jin,

Plaintiff,

v.

John Doe

Defendant.

Case No.

1:14cv1120
LO/TRJ

In Re:

001hh.com	166dd.com	44sfsf.com	77spsp.com
003hh.com	186ai.com	44smsm.com	77wuwu.com
105hh.com	200hh.com	44spsp.com	77zizi.com
108hh.com	212hh.com	44yeye.com	818hh.com
10mcc.com	22baba.com	44zizi.com	888aiai.com
111aiai.com	22gege.com	500dd.com	888gggg.com
111qqqq.com	22hihi.com	510dd.com	888pppp.com
115hh.com	22hphp.com	511dd.com	888sasa.com
11gugu.com	22meme.com	55bebe.com	888yyyy.com
11hehe.com	22nini.com	55gege.com	88gege.com
11hihi.com	22sfsf.com	55gugu.com	88gugu.com
11hphp.com	22smsm.com	55hihi.com	88hehe.com
11meme.com	22wuwu.com	55hphp.com	88hihi.com
11nini.com	22yeye.com	55meme.com	88hphp.com
11sfsf.com	22zizi.com	55nini.com	88nini.com
11smsm.com	33baba.com	55sbsb.com	88sbsb.com
11spsp.com	33gege.com	55smsm.com	88smsm.com
11wuwu.com	33hehe.com	55spsp.com	88spsp.com
11yeye.com	33hihi.com	55zizi.com	88wuwu.com
11zizi.com	33hphp.com	56xixi.com	88yeye.com
123456av.com	33nini.com	600ai.com	88zizi.com
130hh.com	33sfsf.com	600hh.com	898hh.com
131hh.com	33smsm.com	60mcc.com	910uu.com
134hh.com	33spsp.com	611bo.com	911dns.com
139ai.com	33wuwu.com	666dasege.com	911uu.com
156ai.com	33yeye.com	666mcc.com	919hh.com
99yeye.com	33zizi.com	666mgs.com	92mcc.com
99zizi.com	350hh.com	666nnnn.com	999aiai.com
bt123456.com	360sose.com	666yigese.com	999sasa.com
dasege1.com	380hh.com	66bebe.com	99bebe.com
jiuqumcc.com	44gege.com	66didi.com	99didi.com

juse666.com	44hehe.com	66gege.com	99gugu.com
lebaofu.com	44hihi.com	66hehe.com	99hihi.com
mcc-dns.com	44hphp.com	66hihi.com	99hphp.com
mgsdh123.com	44meme.com	66hphp.com	99nini.com
sasa22.com	44nini.com	66jiji.com	99pupu.com
sasa44.com	777ddd.com	66nini.com	99sbsb.com
sasa66.com	777ggg.com	66sbsb.com	99smsm.com
sasa666.com	777hhh.com	66sfsf.com	99spsp.com
selaoda6.com	777kkk.com	66smsm.com	99vovo.com
selaoda8.com	77didi.com	66spsp.com	99wuwu.com
tianyase1.com	77hihi.com	66wuwu.com	777aiai.com
tys666.com	77hphp.com	66yeye.com	zzz97.com
xiaojie1234.com	77sbsb.com	66zizi.com	722dd.com
xixi51.com	77sfsf.com	688hh.com	777bbbb.com
yigesel.com	77smsm.com	699ee.com	yigese2.com

Complaint

Comes Now Plaintiff Gong Zheng Jin, by counsel, and files this complaint against John Doe.

I. The Parties

1. Plaintiff, Gong Zheng Jin (hereinafter "Zheng Jin") is an individual and resident of Gunagxi Shen, China.
2. Upon information and belief John Doe uses the names of Yinzhong Xie (hereinafter "Xie") and Xiaoqi Huang ("Huang") and is a resident of China. Upon information and belief, John Doe has a mailing address care of Whois Privacy Protection Service, Inc. PO Box 639 Kirkland, Washington 98083 but resides at an unlisted address in Beijing, China, with an email address of dsaasf090801@gmail.com and a telephone number of 86-1380013800. (See page 1 of Exhibit E.) No other contact information for John Doe is available.

3. The subject Domain Names, the *res* of this *in rem* action are the domains listed in Exhibit A to this complaint all of which are .COM domains for which the registry is Verisign, Inc., 21355 Ridgetop, Circle - Lakeside III, Dulles, Virginia 20166 which is located in this judicial district.

II. Jurisdiction and Venue over the Subject Matter of this Action

4. This Court has *in rem* jurisdiction over the subject domains pursuant to the Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. § 1125(d) insofar as the registry for the domain .com names, Verisign, Inc., is located within this judicial district.

5. This Court also has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 as this action arises under the Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. § 1125(d).

6. Venue is proper in this district pursuant to 15 U.S.C. § 1125(d) as the subject registry Verisign, Inc. has its principal places of business in this judicial district. Venue is further proper pursuant to 28 U.S.C. § 1391(b)(2) as the subjects of the action resides in this district.

7. The Declaratory Judgment Act, 28 U.S.C. § 2201 provides for a declaration of the rights of the Plaintiff in this matter.

III. Notice

8. Pursuant to ACPA § 1125(d)(2)(A)(ii)(II)(aa), notice of the filing of this complaint and application for injunctive is being sent to the Defendant at the postal and email address to which there has previously been a response as well as the current WHOIS address on the subject Domain Names which is Whois Privacy Protection Service, Inc. PO Box 639 Kirkland, Washington 98083 and dsaasf090801@gmail.com.

9. Plaintiff is providing such notice contemporaneously with the filing of this complaint. Pursuant to 15 U.S.C. §1125(d)(2){A}(ii)(II)(bb), Plaintiff will promptly publish notice of this action as the court may direct after filing of this Complaint. A request to waive service pursuant to Rule 4(d) of the Federal Rules of Civil Procedure is being sent as well.

IV. Factual Background

10. Zheng Jin registered the 184 Domain Names listed in Exhibit A ("Domains") over the past few years and has owned all of them ever since.

11. The Domain Names are used in numerous ways with some of them being primary websites and others being used to increase the traffic to those websites.

12. An example of one of the Domain Names being used as a primary website is <910UU.COM >, which is a movie related website. (see a true and correct copy of the original website translated into English as Exhibit B, without translation as Exhibit C).

13. The WHOIS records for <910UU.COM > and all of the other domains show that Zheng Jin was the owner of the domain name prior to its theft and that it was renewed through January 12, 2015. (See a true and correct copy of the records attached herein as Exhibit D. See also exhibit F showing renewal through January 12, 2015 and Exhibit I, Declaration of Gong Zheng Jin.)

14. The theft of the password to the eNom accounts occurred sometime after June 11, 2014 and before June 18, 2014.

15. It was on June 18, 2014 Plaintiff realized that his traffic from the Domain Names had plummeted to almost zero.

16. On June 18, 2014 Plaintiff attempted to access his eNom account without success and thus contacted eNom support.

17. eNom support required Mr. Zheng Jin to provide documentation to prove his identity which he did.

18. On June 25, 2014 the Domains were transferred to GoDaddy by Defendant.

19. Mr. Zheng Jin was only able to access his eNom account after the Domains had already been transferred out to Godaddy.

20. Mr. Zheng Jin retained the Law Offices of Greenberg & Lieberman on July 11, 2014.

21. The firm immediately began to prepare the resulting Complaint and motion for a Preliminary Injunction and obtaining all necessary facts.

22. By modifying the DNS to the Domain Names (see Exhibit E), pulling down all of plaintiff's websites, all of Plaintiff's customers are not able to access their online accounts and cannot buy Plaintiff's goods and services.

23. These customers regularly access the webpages, buy products, and now must go to other companies for the same services.

24. As with the example <910UU.COM > there are hundreds of websites that sell movies making the competition to keep customers vigorous.

25. The longer Plaintiff's websites are down the more likely it is that his customers will go to the competition.

IV. Causes of Action

COUNT I
Claim for Declaratory Judgment

26. Zheng Jin repeats and realleges all previous statements made herein of this Complaint as if fully set forth herein.

27. Plaintiff had a contract with eNom for many years for control over the Domains.

28. Defendant's actions have taken control of the subject domains from Zheng Jin.

29. The Declaratory Judgment Act, 28 U.S.C. § 2201, provides for a declaration of the rights of the Plaintiff in this matter.

COUNT II
Consumer Protection Act (ACPA), 15 U.S.C. § 1114(2)(d)

30. Zheng Jin repeats and reallege all previous statements made herein of this Complaint as if fully set forth herein.

31. Zheng Jin has owned the Domain Names since their registration has used them to promote his businesses for many years and has common law rights in the marks.

32. Zheng Jin, because of the Defendant's actions is being prevented from using and exercising control over the subject Domain Names.

33. Zheng Jin is being harmed through the loss of prospective traffic to his business.

Count III
Tortuous Interference with Contractual Relationship

34. Zheng Jin repeats and reallege all previous statements made herein of this Complaint as if fully set forth herein.

35. Zheng Jin properly entered into a contract with eNom, the registrar for the Domain Names before the Domain Names were stolen.

36. Defendant has unlawfully taken control of the subject Domain Names, interfering with Zheng Jin's lawful contract rights as to the Domain Names.

37. As a result of Defendants acts Zheng Jin has been damaged and will continue to be damaged. Zheng Jin requests that this Court declare Defendants liable for its past and any future losses in association with the registration service contract.

Count IV
Conversion

38. Zheng Jin repeats and realleges all previous statements made herein of this Complaint as if fully set forth herein.

39. Zheng Jin has property rights in the subject Domain Names.

40. The Defendant has taken control of the subject Domain Names and is wrongfully exercising control and authority over the subject Domain Names.

41. The control and authority exercised by the Defendant deprives Zheng Jin of control and the income and business generated from the Domain Names.

42. The Defendant is wrongfully exerting dominion over Zheng Jin's property in denial of his rights.

WHEREFORE, The Plaintiff demands judgment against the Defendant, as follows:


I. Declaring that Gong Zheng Jin is the only entity with any rights to the contract controlling the subject Domain Names as set forth on Exhibit A.

II. Declaring Defendants do not have any rights to the subject Domain Names.

III. ORDERING Verisign to return control of the Domain Names to Gong Zheng Jin and at the eNom registrar.

IV. Granting such other and further relief to Plaintiff Zheng Jin as this Court deems just and proper.

Dated: August 29, 2014



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Respectfully Submitted
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By Counsel

and

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